

REMARKS

Reconsideration of this application as amended is respectfully requested.

In the Office Action, claims 1-21, 25-65, 69-84, 86, 87, and 89-97 are pending and rejected.

In this response, claim 18 has been canceled. The applicants reserve the right to reintroduce the original claims at a later date, if desired. Claims 1, 3, 10, 12, 13, 16, 17, 25, 27, 34, 35, and 69 are amended. No new matter has been added. Thus, claims 1-17, 19-21, 25-65, 69-84, 86, 87, and 89-97 remain pending.

35 U.S.C. §102 Rejections

Claims 1-17 and 19-21 are rejected under 35 U.S.C. §102(e) as being anticipated by Siann et al. (US Patent Application No. 2003/0120541, hereinafter "*Siann*").

The Alleged Prior Art

Siann describes a method and device for electronically providing electronic media content and advertising content includes a media player and electronic media content from an electronic media content provider. The media player is electronically provided with the electronic media content via a first method of transmission. The media player is also electronically provided with advertising content, from an advertising content provider, via a second method of transmission. If necessary, the electronic media content is decrypted by the media player prior to the electronic media content being provided to the user. The media player electronically determines when advertising is to be played on the media player. Additionally, according to an embodiment, when the media player is disconnected from the first method of transmission, and the media player ceases to receive electronic media content via the first method of transmission, the media player is electronically provided with advertising content via the second method of transmission. (Abstract).

The Alleged Prior Art Distinguished

To anticipate a claim, a reference must teach each and every element of the claim.

Amended claim 1 includes the language:

A method including steps of

receiving information associated with a playback device;

generating a text-based activation code associated with the information obtained from the playback device, wherein the text-based activation code includes data from which rights information is verifiable by the system;

sending the text based activation code to a communication device, via a transport technique not including the playback device;

wherein, in operation, a user of the communication device communicates at least a portion of the activation code to the playback device;

further wherein, in operation, the playback device uses at least a portion of the activation code to obtain rights to the content.

After careful study of the Siann reference, the Applicants have found no teaching of a user of the communication device communicating at least a portion of the activation code to the playback device. Notably, the access data in Siann is directly transmitted to the media player, and there is no teaching or suggestion of a user communicating data to the media player to obtain rights to the content.

Since Siann does not teach each and every element of claim 1, the Applicants respectfully request the rejection to be withdrawn.

Claims 2-17 and 19-21, which depend from claim 1, are allowable at least for depending from an allowable base claim, and potentially for other reasons as well.

35 U.S.C. §103 Rejections

Claims 25-65, 69-84, and 86, 87, 89-97 are rejected under 35 U.S.C. §103(a) as being unpatentable over Siann et al. (US Patent Application No. 2003/0120541, hereinafter "*Siann*").

Independent claims 25, 27, 34, 35, 36, and 69 have similar limitations to claim 1. The Applicants therefore believe that claims 25, 27, 34, 35, 36, and 69 are allowable for similar reasons to claim 1.

Claims 26, 28-33, 37-64, 69-84, 86-87, and 89-97, are allowable at least for depending from allowable base claims, and potentially for other reasons as well.

Conclusion

A Notice of Allowance is therefore respectfully requested. Should the Examiner find that a telephone or in-person conference would expedite the prosecution of this Application further, he is invited to contact the Applicants' counsel at the contact listed below for such a conference.

Please charge any deficiency in fees or credit any overpayment to our Deposit Account No. 50-2207, from which the undersigned is authorized to draw.

Respectfully submitted,
Perkins Coie LLP

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